

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID M. ALLSOPP,

Plaintiff,

v.

Case No. 05-cv-4082-JPG

MARION MEMORIAL HOSPITAL d/b/a  
Heartland Regional Medical Center d/b/a  
Heartland Regional Medical Center Home  
Health Agency, RON SEAL, PHIL KUBOW  
and DEBBIE COUGHLIN,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Dismissal (Doc. 18) pursuant to Federal Rule of Civil Procedure 41(a)(1)(i) filed by plaintiff David M. Allsopp. Rule 41(a)(1)(i) allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. The defendant has not filed an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: July 21, 2005**

s/ J. Phil Gilbert

**J. PHIL GILBERT**  
**DISTRICT JUDGE**